

Mr Allen, chairman of the committee on enrolled bills, reported as correctly enrolled, properly signed, and this day presented to the Governor : A Bill to authorize the Comptroller to issue duplicates of certificates of certain lost certificates of stock on certain conditions. A bill supplementary to an act to incorporate the Sulphur Fork Turnpike Company. A Bill authorizing the transfer of certain Stock Bonds on certain conditions. A Bill to create the fifteenth Judicial District, and provide for the election of a Judge and District Attorney thereof, and define the time of holding courts therein. A Bill defining the Seventh Judicial District, and the time of holding Courts in the same. A Bill for the relief of the heirs and assignees of Thomas Williams. A Bill to incorporate the Brazoria County Insurance company, and A Bill for the relief of certain Sheriffs therein named.

On motion of Mr Hill, the Senate adjourned till Monday next, at 10 A. M.

SENATE CHAMBER,
Monday, January 21, 1856. }

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr White presented the petition of the Aransas Road Company : referred to the committee on Internal Improvements.

Mr Hill, chairman of the committee on Claims and Accounts, submitted the following reports :

The committee on Claims and Accounts have considered the petition of N. Savery, and find, from the testimony, that said Savery was a member of the Texian army at the time of the battle of San Jacinto, to 21st April, 1836 ; but was not actually engaged in the battle, in consequence of having been detailed on special service, by order of the commanding general. The committee are satisfied, that Mr Savery rendered important services to the country at that eventful period, both before and after the battle ; but the precise term of service cannot be ascertained. The committee are of opinion that he is entitled to donation land, and three hundred and twenty acres bounty land ; and have instructed me to report the accompanying bill for his relief, and recommend its passage.

A bill for the relief of N. Savery : read first time.

The committee on Claims and Accounts have examined "A bill to amend the 7th seventh section of 'An act to provide for the payment of six companies of mounted volunteers that were

mustered into the service of the State of Texas, on the first day of November, 1854, under a requisition of Brevet Major-General Persifer F. Smith, and to pay the expenses incurred by said companies," approved 14th January, 1856, and find that the section proposed to be amended only authorizes the Governor to appoint one agent for the disbursement of the money due the volunteers, on account of the services rendered by them. The delay resulting from this arrangement, would not be doing equal and exact justice to all. It will be remembered that the Governor, in calling those troops into service, divided the State into six divisions; some of which, are in the extreme portions of the State. To require one agent to travel to all parts of the State, would necessarily delay, probably for several months, the payment of the companies last reached. To avoid this delay and consequent hardship, the accompanying bill authorizes the Governor to appoint such additional number of persons, or agents, as will secure the prompt payment of the parties entitled. In this, no additional expense will be incurred by the State. This bill further provides, that if any person entitled shall fail to get his money from the agents, or either of them, he shall be allowed to make application to the treasury for the same; making proper proof as to his identity, and the performance of the service for which he claims pay. The committee are unanimously of the opinion that the bill should pass, and recommend it accordingly.

The committee on Claims and Accounts have had before them, "A bill for the relief of Thos. D. Cayce and Sarah White," and find that said Cayce claims compensation for property taken from him, and appropriated to the use of the army and soldiers of the late Republic of Texas, in the years 1836 and '37. The evidence is full, and all that is presented given under oath, before an officer authorized to administer oaths.

Capt. A. Neil states, that he was ordered, with his company, to Cayce's crossing, on the west bank of the Colorado river, in Matagorda county, to take possession of the place, and occupy it as a military post; keep a ferry, build boats, and assist in the transportation of all public matters between the government and the army: to collect all the cattle near, and take charge of them; using such only as were fit for beef; and obey such orders as he should receive relative thereto. He found there some "five or six hundred head of cattle," and remained in charge of the station as commandant, from Nov. 1836, to June 1837, when he left it in charge of Capt. Leftwich.

During the time that he was there, several hundred head of

cattle were used—some as beef, some driven to head-quarters, and some stock cattle (cows and calves) traded off for beef cattle, and others delivered "to people under special orders;" all of which will be seen by reference to the copy of said orders, as given in his deposition. He states "that he has no doubt that three or four hundred head of cattle were used or driven away from the post, whilst it was under his command, for the benefit of the army." His orders were received from Generals Sam Houston and Felix Houston, and Col. P. Caldwell, quartermaster.

Francis T. Duffan states, that he was a member of Captain Neil's company; that the cattle in the neighborhood were regarded as the cattle of said Cayce, and was public property, and used for public purposes, and for the use of the troops stationed at said Cayce's crossing (the hides were sold in Matagorda for coffee) and a large number used for beef and driven off to head quarters, and many cows and calves exchanged for beef cattle; that the company "had possession of Col. Cacey's plantation, houses, ferry, &c, and used whatever could be made useful for the army: the buildings were much injured; and when he left the place, it was generally in a dilapidated condition." That when the company took possession of the place, a Mr. Cunningham had it in charge, as the agent of said Cayce; that said Cunningham was compelled to yield possession, and had to leave contrary to his wish.

Gov. A. C. Horton states, that he was in the army of Texas in 1836, and frequently passed the residence of Thomas Cayce, on the Colorado; that there were a number of troops stationed there, under the command of Captain Leftwick—a portion of the troops were quartered in the house of said Cayce, and a portion in tents; all the fencing, or the greater part of it, was destroyed by the soldiers, and the houses materially injured.

Mr Cayce bought a number of cattle of Mr Coleman (the precise number he did not know;) it was generally reported about five hundred head, out of which he only recovered fifty or sixty head after the invasion. He heard the soldiers say that they got their rations out of the stock at that place. There was no other person living on the other side of the river, within twenty miles who had any stock, and the soldiers must have used the stock of said Cayce. The place, after the soldiers left it, was in such a damaged condition, that the said Cayce never occupied it thereafter, but sold it at what he considered a great sacrifice.

Robert Williams testifies that said Cayce bought of H. H. Leagree in 1833, or early in 1834, 100 head of cattle; he also bought of Mr Coleman early in 1836, 500 head of grown cat-

die, and all of his young stock from three years old and down; he would suppose, with the increase of his stock, he must have had from 900 to 1200 head of cattle at the time of his leaving his place, and that he found only 40 or 50 head on his return.

J. B. Richards, John Sockey, J. and L. Cacey, J. Smith, J. C. Cunningham, and J. and H. P. Redfield, sustain substantially the facts as given by the other witnesses, and state further, that the ferry boat of said Cayce was lost by the troops. The bill appropriates \$2,150 00 for the beef and boat which were used for the benefit of the army; the committee recommend that it pass.

The bill also proposes to allow Mrs Sarah White \$1,000 00 for property taken and used by the Texas army, in the same way, and during the same period; the proof of which is of the same character, and equally as reliable as that adduced in support of the claims of Mr Cayce. A majority of the committee therefore instruct me to report the same back to the Senate, and recommend its passage.

Mr Tuit, from the committee on private land claims No. 1, to which was referred the petition of Cling Pearson, reported a bill for his relief, recommending its passage.

A bill for the relief of Cling Pearson; read first time.

On motion of Mr Armstrong the rule was suspended, bill read second time, and ordered to be engrossed.

On motion of Mr Armstrong the rule was further suspended, bill read third time, and passed.

Mr Taylor of Cass, chairman of the committee on public debt, made the following reports:

The committee on public debt, to which was referred the petition of J. H. Herndon and M. M. Battle, for the parties at interest, have considered the same, and find that petitioners allege that Handy and Lusk had on board the schooner Sandiogo, goods, wares, and merchandise, to the amount of \$20,000 00, bound for New Orleans, in April 1836; that the vessel was at Velasco pressed by the commander of the port into the service of Texas, for the purpose of carrying off the families and some Government property, and was detained several days. That when she was released, she put to sea, and in attempting to cross the Brazos Bar, she was wrecked, and the crew lost. The petitioner alleges that the wreck and loss was consequent upon the detention on the part of the officers of the Republic of Texas, and therefore the Government should make good the loss to the parties. Now the question arises, was the loss caused by the detention, or not? This is a nice point for the committee, or any one else to decide; the wreck might have occurred, had the

vessel been permitted to pursue her voyage without detention. This is one of the contingencies which we think no one can decide correctly. The committee, from the facts before them, are not willing to say that such is the case, and therefore recommend the rejection of the petition.

The committee on public debt have considered a joint resolution concerning the public debt, and a substitute therefor, and find that the original resolution proposes to pay the difference between the face value and the pro rata allowed by the debt act, to the original owners. The substitute proposes in lieu of this to make an appropriation (out of the monies accruing to the State of Texas by the acceptance of the public debt bill now pending) for the payment of certain hard cases, as comprised in Document C. of the report of the Auditorial Board in November, 1851. These cases were scaled to 70 cents on the dollar, when they should have been allowed at par—one of them was paid by special act of the last Legislature. The committee are of opinion that should the debt bill pass, that the difference between the face and pro rata before alluded to, should be used in relieving such cases as are comprised in the substitute, as it is very certain at some time, those claims will be paid.

They therefore recommend the adoption of the substitute, and passage of the bill.

Mr Guinn, chairman of the committee on engrossed bills, reported correctly engrossed,

A bill for the relief of Francis Blundell.

A bill for the relief of the heirs and legal representatives of Derby Morris, deceased.

A bill for the relief of Joseph Moore.

A bill for the relief of Thomas Patterson.

A bill for the relief of Robert Sanders.

A bill authorizing the Commissioner of the General Land Office to issue to Alexander McCulloch a certificate for one-third of a league of land.

A bill for the relief of the heirs of Edgar M. Sanders.

Joint resolution granting leave of absence to Joel L. Ankrim, judge of the 11th judicial district.

A bill for the relief of John W. Collins, and Nathan W. Bush.

A bill for the relief of John S. Hill.

A bill for the relief of Benjamin Bryant.

A bill for the relief of the heirs and assigns of Hezekiah George.

A bill for the relief of Charles Gilchrist.

A bill for the relief of the heirs of Jose de Jesus Rodrigues.

A bill to allow John G. Graham to transact business and make binding contracts in his own name.

A bill for the relief of John Sparks.

A bill for the relief of Stephen F. Sparks.

A bill to change the name of Rosalia Hernandez to Maria Rosalia Upshur.

A bill for the relief of the heirs of William H. Clopton,

And a bill for the relief of the heirs of Henry Applewhite.

Mr Russell, from the same committee, reported correctly engrossed,

A bill to incorporate Milan male and female Institute.

A bill to amend the 4th section of an act entitled, an act to incorporate the Galveston and Brazos Navigation company—approved Feb. 8th, 1850,

And a bill to incorporate Shawnee Lodge No. 15. of the I. O. O. F.

Mr Burroughs presented the petition of B. F. Weatherred ; referred to committee on private land claims, No. 2.

Mr Bryan presented the petition of H. Burroughs ; referred to committee on public debt.

Mr Grimes introduced a bill to incorporate Alta Mira Lodge, No. 55, I. O. O. F. ; read first and second times, and referred to committee on the Judiciary.

Mr Taylor of Cass introduced a bill providing for a change in the Treasury fiscal year : read first time.

On motion of Mr Taylor of Cass the rule was suspended, bill read second time, and ordered to be engrossed.

Mr Taylor of Cass moved the further suspension of the rule, carried ; and bill read third time, and passed.

Mr Burroughs, chairman of the select committee, to which was referred a resolution instructing them to investigate the recent frauds committed in procuring bounty and donation land warrants, headright certificates, and soldiers' pay, made the following report :

SENATE CHAMBER, }
Jan. 21st, 1856. }

To the Hon. H. R. Runnels,

President of the Senate :

The select committee, to whom was referred a resolution instructing them to investigate the recent frauds committed in procuring bounty and donation land warrants, headright certificates, and soldiers' pay, and that they report to the Senate the extent of the frauds, with a bill to detect the same, and prevent their consummation, have attended to the duties assigned them, and have examined all the evidence that it was possible to obtain in

regard to those matters, and now beg leave to report that they believe at least two hundred and forty-two certificates have been fraudulently obtained from the Adjutant General's office, to wit :

Eleven bounty certificates for 800 acres each,	8,800
Forty-eight bounty and donation (mostly donation) for 640 acres each,	30,520
One hundred and eighty-two bounty certificates for 320 acres each,	58,240

Amounting in the aggregate, to	97,560
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Those certificates were all issued to assignees since about the 1st day of January, 1854, upon forged assignments, all of which purported to have been acknowledged or proved before some chief justice, notary public, or county clerk. In many instances it is known that the certificates of the officers before whom these assignments purported to have been acknowledged or proven, were forgeries, and in many instances it is believed that the officers before whom the acknowledgements and proofs purported to have been taken, were cognizant of the forgeries, and gave blank certificates to be filled up by the assignees, or wilfully made false certificates.

In other instances, persons falsely represented themselves to be the assignees, or witnesses to the assignments, and appeared before the officers and acknowledged or proved these assignments.

The committee have ascertained by positive evidence that many of these assignees had been dead for years before the date of these assignments, and that some of them are still living, and declare that they never executed any such assignments.

Most of these assignments purport to have been made by persons who were actually entitled to land for services, and who had never obtained certificates therefor; but many certificates have been issued upon forged assignments of fictitious persons, and persons who never rendered any service, under the provisions of the second section of an act to provide for the issuance of bounty and donation land warrants to persons entitled to the same—approved Jan. 31st, 1854, which authorized the Adjutant General to issue bounty and donation certificates to persons whose names did not appear upon the muster rolls in his office, upon the affidavits of two persons whose names appeared in the muster rolls of the company, stating the date and time of service of the applicant; these certificates were obtained upon forged affidavits, of persons whose names appeared upon the muster rolls of the company, many of whom had been dead for years before the date of these affidavits.

The committee have also ascertained that at the time the par-

ties obtained these certificates upon false and forged assignments, they also obtained in many instances from the Adjutant General a certificate to the auditor, that the assignee was entitled to the monthly pay of the assignor, which certificates were subsequently audited and paid, by which means the sum of about twenty-four hundred and fifty dollars and thirty-two cents have been drawn from the Treasurer, by parties who were not entitled to it.

The committee have reason to believe, that besides the certificates referred to above, others issued from the Adjutant General's office previous to the 1st of January, 1854, upon false and forged assignments, but they have not been able to satisfy themselves what number were so issued.

The committee have also ascertained that fourteen forged judgments for one league and labor of land each, some against the Republic and some against the State of Texas, confirming certificates which were not recommended for patent by the traveling and local boards of land commissioners, have been entered upon the records of the district court of San Augustine county, amounting in the aggregate to 64,470 acres, and that about 10,100 acres of land were patented under these judgments, before these forgeries were discovered.

They have also ascertained that many forged certificates are in circulation, which purport to have issued from the county court of San Augustine county, some of which were falsely reported to the Commissioner of the General Land Office by the late Clerk of that court.

They have also ascertained that the records of the board of land commissioners of Shelby county have recently been changed, so as to make it appear that two certificates for one league and labor each, twelve for one third of a league, and twelve for 1280 acres each were issued by said board, when in fact, no such certificates were ever issued; and the committee fear that serious frauds of a similar nature to those above referred to have been practiced in other counties, though they have no positive evidence on the subject.

The committee do not deem it expedient or proper to name here any of the parties who have perpetrated these frauds and forgeries, nor the witnesses from whom they have received testimony, as these matters are now undergoing judicial investigation, and means are being taken to have the parties prosecuted.

The committee present herewith a bill to be entitled, "an act to ascertain the legal claims for lands against the State," which they recommend to the favorable consideration of the Senate; this act provides the mode of proving up claims for land, upon

which certificates have not heretofore issued, and also contains provisions by which it is believed that all of the fraudulent certificates will be detected, and be stopped from obtaining patents thereon.

The committee in the investigation of the different frauds, have had abundance of evidence before them, which shows that the Executive by his vigilance and care, has prevented an immense loss to the State, and by the firm and decided stand he took in the investigation of the frauds, and preventing their consummation, shows that he had an eye single to the interest of the State, regardless of consequences.

J. M. BURROUGHS,
Chairman of Select Committee.

On motion of Mr Potter, the rule was suspended, and the report taken up, and one hundred copies of the report and bill were ordered to be printed and made the special order of the day for Friday, the 25th inst.

Mr Hord offered the following resolution :

Resolved, That the select committee for the investigation of the reports of Messrs Taylor and Lane, Commissioners to examine land titles west of the Nueces, be instructed to receive and examine certain titles to lands in the same part of the State, which are now in the hands of Felix A. Blucher—adopted.

Mr Palmer offered the following resolution :

Resolved, That the committee on Public Printing be authorized and requested to have 200 copies of the names and post-offices of the members of the Senate printed, for the use of the Senate—adopted.

Mr Taylor, of Cass, offered the following resolution :

Resolved, That the Secretary of the Senate be, and he is hereby authorised to contract for the renovating of Washington's portrait, and when finished to have the same placed in the Senate chamber, and that he is hereby authorised to draw from the contingent fund of the Senate a sufficient amount to pay for the same, not to exceed one hundred dollars—adopted.

A message was received from the House, informing the Senate that the House had passed the following bills, originating in the Senate :

A bill to create the county of Wise.

A bill to create the county of Comanche, with an amendment.

A bill confirming certain headright grants on the boundary line of Austin's Colony and Robertson's Colony.

A bill to create the county of Erath.

A bill to create the county of Atascosa; and
 A Joint Resolution, appropriating \$5,548 70 to meet certain expenditures made for the Penitentiary.

Also, a bill, originating in the House, to authorise John H White, a minor, to take charge of his estate, and transact business as though he were of full age.

ORDERS OF THE DAY.

The report of the committee on the Judiciary, on a bill for the relief of the Texan creditors of the German Emigration Company, and to quiet the titles to lands of the colonists, their representatives and assignees in Fisher & Miller's colony, offering a substitute therefor, was read and substitute adopted.

Mr Palmer offered the following amendment :

In Sec. 3, after the word "land," in 2d line, insert "within the limits of said colony, in the same manner as their premium certificates, and any other lands." Adopted.

On motion of Mr Weatherford, the Senate adjourned until 9 o'clock to-morrow morning.

SENATE TUESDAY, JANUARY 22d, 1856

The Senate was called to order, by the President. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House, informing the Senate of the passage of the following bills originating in the Senate.

A bill to legalize the official acts John H. Smither as clerk District court of Bowie county.

A bill for the purchase of a site and the erection of a Store and warehouse and for other purposes.

A bill donating one league of land to Mrs. Elizabeth Crocket.

A bill supplementary to an act to define the time of holding the District courts in the thirteenth Judicial District.

A bill to confirm the titles of certain pre-emption settlers within the limits of Peters' Colony.

A bill for the relief of the heirs of Elizabeth Jones, and A bill to incorporate Lagrange Lodge No. 30 of the Independent Order of Odd Fellows. Also informing the Senate that the House had concurred in the Senate's amendments to the following bills :

A bill to incorporate the Henderson Female College.

A bill for the relief of Kindallis Bryan.

A bill to incorporate Walker Lodge No. 19 of the I. O. O. F., and has receded from their 2d amendment to A bill to incorporate the city of Marshall.

Also of the passage by the House of a bill to incorporate the Washington county Railroad company, originating in their body.